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MOTIONS

University of San Diego School of Law

Volume 41, Issue 4

February 2006

Protecting Pets from Domestic Violence

by Kirsten Widner, contributor

When most people think about domestic violence they think about the abuse of the human members of a family. But many families also include pets, and these furry family members are often victims as well. According to the Humane Society of the United States (HSUS), 91% of adults and 73% of children surveyed as they entered domestic violence shelters reported that their pets had been threatened, injured or killed by their abusers. In over 50% of these cases, the harm was actual, not just threatened.

"A Utah survey of women in a shelter found that 20% had delayed leaving their abusers because they feared if they did their pet would be harmed!"

According to some research, batterers threaten and harm animals as a way to demonstrate and confirm their power and control over the family, to prevent victims from leaving or coerce them into returning, and to degrade or terrorize victims by making them feel involved in the abuse.

Though the danger to pets is high, solutions are scarce. Most domestic violence shelters do not take animals, because of safety concerns and government health regulations. Only 18% of shelters surveyed by the HSUS regularly ask about pets when violence victims come to them for services. Even fewer provide education about the options for protecting pets. The situation in San Diego mirrors the national situation.

Please see *Pets*, continued page 6.

National Trial Team Heads to Las Vegas!

By Thomas Feiter, senior staff writer

The regional competition for the Association of Trial Lawyers of America ("ATLA") Student Trial Advocacy Competition will take place in Las Vegas, Nevada this year. USD Law's National Trial Team is an eight-time winner of this tournament and has advanced to the regional finals each of the last three years. According to Head Coach Richard "Corky" Wharton, "This year we have two solid teams heading into the Las Vegas Regional Competition — and we're expecting great things from them. We are determined to win in Las Vegas and advance to the national finals."

"In a mock trial competition, arguments take as long as three-and-a-half hours compared to the thirty minutes typical in moot court. Moreover, during the competition you have to win six trials in three days to win the tournament."

For many law schools throughout the country, this is one of the biggest national tournaments of the year. The top two teams from sixteen regions will advance on to the national competition taking place in Miami, Florida, on March 29-31, 2006.

Each year, our National Trial Team chooses who they are going to send to this tournament. This year, the following eight team members (making up two, four-person teams) are heading out to Vegas to represent our school: J. Bradley Bigos, Matthew Caron, Greg Coyer, Thomas Feiter, Aaron Hand, Johanna Schonfield, Victoria Steely, and Karrie Wood.

Once the team entry date lapsed, ATLA provided each school with the general rules of the tournament, the

Please see *ATLA*, continued page 9.



Kirsten, George, Sarah and Lola. Photo courtesy of Mathew King.

Checks and Balances Come to San Diego

by Mary McKenzie, contributor

As a reaction to corrupt practices by elected officials and to the too-close relationship between Big Business and Government, many municipalities adopted a government that placed the responsibility of running the city into the hands of a neutral manager with technical expertise. Political Progressives were convinced that too much politicking was the problem plaguing California, and that neutral, de-politicized leadership was the solution

"...the voters of San Diego decided that [the Council-Manager] system hadn't cured the ills of corruption and undue outside influence, and San Diego joined the club of strong-mayor cities on January 1, 2006."

to running local governments. San Diego adopted such a Council-Manager system in 1931. Over seventy years later, the voters of San Diego decided that system hadn't cured the ills of corruption and undue outside influence, and San Diego joined the club of strong-mayor cities on January 1, 2006. Mayoral candidates Donna Frye and Jerry Sanders both opposed this change to a strong-mayor form of government.

The basic shift, as the name suggests, is of the balance of power at City Hall. Checks and balances have come to San Diego. In the Council-Manager system, the distinction between legislative and executive functions was blurred. The Mayor was the "chief elective officer" and was the ninth, and presiding, member of the City Council. The City Manager was the Chief Executive Officer who administered the city government under the oversight of the Council. Hiring, firing, and budgetary powers were thus in the hands of the unelected City Manager.

As the scandals plaguing San Diego government swelled, the lack of electoral accountability for the city as a whole was increasingly problematic. After being named one of the worst mayors in the country, former Mayor Dick Murphy lamented to *Fortune*, "I'm just a city council member. I'm just a legislator. And that makes me the worst mayor in America?"

A number of cities have recently adopted strong-

Please see *Mayor*, continued page 6.

B is for Average:

A 1L Perspective on Getting Law School Grades for the First Time

by Becky Blain, staff writer

By the time this is published, I'm guessing that the first year grade mania will have subsided (unless you're in my section, Section A, in which case all bets are off since we had some unanticipated grading issues). In any event, getting law school grades for the first time is an experience worth commemorating.

"...someone told me that an upperclassman had told them that grades are always released on a Friday. The school's rationale is that it's like firing someone; you don't want anyone to make a scene and you want them to have the weekend to cool off."

Maybe the only thing worse than getting grades was taking the finals to get the grades. My last day of finals went something like this: At 9:00 in the morning I was sitting in my Property final doing rule against perpetuities problems on my fingers, and by 9:00 that night I was in a bar and couldn't have told you my own name.

The next day I realized that I had come home from the bar *sans* debit card, so I had to do the afternoon-after pub crawl of shame to find the bar where I had left it. And suffice it to say that you know it was the greatest night ever when the bartender recognizes you, calls you by name and—I'm not joking—asks if everyone in your group is okay. *That*, as it turns out, is a better story than the one you're reading.

So, if that sounds anything like your last day of finals, then you're probably also like me in that you didn't think a whole lot about grades after that. At least not until you received the notice from the records office in your mailbox that grades were coming out. And then you thought about it constantly.

They told us that grades were going to come out—at the latest—on Monday the 30th. But grades were actually released on Friday the 27th; it's funny because someone told me that an upperclassman had told them that grades are *always* released on a Friday. The school's

Please see *Grades*, continued page 12.

♥ Turn to pages 4-5 for the first Valentine's Section of Motions, ever! ♥
USD Law students share their experiences of Love, Loss, and Law School.

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Our mission is to provide news, information, analysis and commentary to the students, faculty and staff of the University of San Diego, the University of San Diego School of Law, and the general legal community of San Diego. We believe that journalistic excellence is the soundest foundation for success. We pledge to seek and report the truth with honesty, accuracy, and fairness. These principles are cautiously guarded by each member of the Motion staff.

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From the Editor's Desk...

Dear Readers,

Welcome to the February issue of Motions. We decided to make this our Valentine's Issue. The fact that law school has an uncanny ability to destroy relationships has long been a conversational motif amongst law students. Despite the consensus, not everyone's experience has been that of heartache. Classmates have gotten engaged, married, and had children during law school. Some students stepped forward to offer their views or experiences, and you can read those on pages four through five.

Given that our paper only comes out once a month at best, we do not consider ourselves a true "newspaper." We do not presume to be anyone's source of breaking news, and almost all of our pieces are a law student's perspective on something. We would like to offer as much news about what's going on at our school or what our students are up to as possible. I do not have the leverage to force anyone to write an article, though I do try to employ such means as peer pressure and guilt whenever possible.

All our submissions are voluntary and not assigned, so we really rely on students to step forward and tell us about what's going on at their law school. If your club, organization or anyone you know (including yourself!) is doing something of interest to the law school community, please consider submitting a piece about it. It does not have to be long- a page or two- and if you're already familiar with the subject matter it should not take long to write.

We have deadlines coming up by the end of the month for the March Issue. Feel free to direct any questions or article ideas to usdlawmotions@gmail.com. We do pay a stipend based on page count, and it looks great on your resume!

Also check out our Op/Ed section on pages ten through eleven. We have some provocative pieces on politics and the economy. If you are interested in writing a response to any of these articles, please let us know.

Thanks for picking up this issue and have a fantastic Valentine's Day, whatever your status!

Sincerely,

Laura A. Sleizinger
Editor-In- Chief

Letters to the Editor

I read the new edition of Motions, which I very much liked. And I liked that the paper is coming out more often, and is also more controversial (for example, obviously, the career services article).

Pat Blanco

Dear Motions staff,

I was surprised and disappointed not to see an article in the December edition of the school paper on the ATLA Mock Trial competition that took place in November, particularly while the paper was littered with opinion pieces on many other irrelevant topics. In order to be a respected school newspaper, I think it would be wise to give priority to news stories around our campus rather than page long commentary on why law students drink and get rowdy. While both have a place in the open medium of newspapers, an activity that required as much time, dedication and effort as the ATLA competition deserved some recognition. I hope you will rectify this in the near future because while I only played a small part of that competition, I know that many other students put in a considerable amount of time.

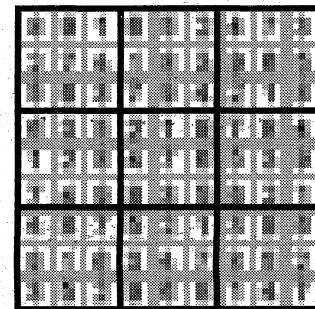
Thank you for your attention,
Katie

As you may already know, I felt that the now-infamous career services article was an irresponsible one undeserving of publication, and that it was a serious mistake to print it. At a minimum, I felt that an apology from Motions was due in this first issue of the semester. Perhaps I missed it, but after looking through the issue a number of times, I don't see anything resembling an apology.

What I do see is four letters to the editor all praising the

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article that I feel deserves our collective condemnation. I can't be the only person who feels this way - and I would find it very hard to believe that there were no letters written expressing opposition to the article. If such letters were indeed written, why were none of them published?

Furthermore, why are the letters signed with only a first name? Surely we don't consider letters to the editor if we don't have a full name in order to verify the authors of the letters. So, why weren't those last names printed? Printing letters attributed to only a first name seems like a calculated effort to shield the authors of those letters. If this is the case, I think that this was also a mistake. Nobody is forced to write letters expressing their opinions. If people choose to do so, they should be required to stand behind their opinions. Otherwise, why not simply publish letters signed "anonymous," or with a pseudonym?

Was this issue reviewed and approved (in the same state as that in which it was published) by our administrative advisor before it went to press?

I think that Motions is getting off-track.

Best Regards,

Troy

Editor's Note: All the Letters to the Editor received have been printed. If they do not express your view, please write in. Additionally, in the spirit of many periodicals that use first names only (or first names and geographical location, etc., but not last names), we will also use first names for our Letters to the Editor. The January issue of Motions (as well as this one) did pass administrative review.

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Schedule of Seminars:

LOS ANGELES

- Saturday, February 11, 2006: 9:00 am-4:00 pm
- Sunday, February 12, 2006: 9:00 am-4:00 pm
- All sessions will be given **LIVE** at the LAX Plaza Hotel, 6333 Bristol Parkway, Culver City, in the Projection Room.

SAN DIEGO

- Saturday, February 18, 2006: Noon-6:00 pm
- Sunday, February 19, 2006: Noon-6:00 pm
- All Sessions will be given **LIVE** at California Western School of Law, 225 Cedar St., San Diego, Saturday-Room 2B, Sunday-Auditorium..

ORANGE COUNTY #1

- Saturday, February 25, 2006: 9:00 am-4:00 pm
- Sunday, February 26, 2006: 9:00 am-4:00 pm
- All sessions will be given **LIVE** at Hope International University, 2500 E. Nutwood at Commonwealth, Fullerton (across from Cal. State Univ., Fullerton), Second Floor, Room 205.

SAN FRANCISCO

- Saturday, March 4, 2006: 9:00 am-4:00 pm
- Sunday, March 5, 2006: 9:00 am-4:00 pm
- All sessions will be given **LIVE** at Marriott Courtyard Downtown, 299 Second Street, San Francisco, Room to be posted on the day of the seminar.

ORANGE COUNTY #2

- Saturday, March 11, 2006: Noon-6:00 pm
- Sunday, March 12, 2006: Noon-6:00 pm
- All sessions will be given **LIVE** (Lecturer: Attorney John Couch) at Hope International University, 2500 E. Nutwood at Titan, Fullerton (across from Cal. State Univ., Fullerton), Room 215A.

SACRAMENTO

- Saturday, March 11, 2006: 9:00 am-4:00 pm
- Sunday, March 12, 2006: 9:00 am-4:00 pm
- All sessions will be given at McGeorge School of Law, 3200 5th Avenue, Sacramento, Room B. **DVD PRESENTATION** – Lecturer: Jeff Fleming

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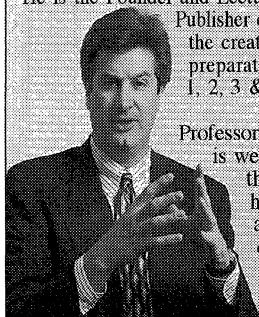
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PROFESSOR JEFF A. FLEMING
Attorney at Law • Legal Education Consultant

For the past twenty four years, Professor Fleming has devoted his legal career to the development of legal preparatory seminars designed solely to aid Law Students and Bar Candidates in exam writing techniques and substantive law.

Professor Fleming's experience includes the Lecturing of Pre-Law School Prep Seminars and First, Second and Third Year Law School Exam Solutions®. He is the Organizer and Lecturer of the Baby Bar Review Seminar and the Founder and Lecturer of the Legal Examination Writing Workshop. Both are seminars involving intensive exam writing techniques designed to train the law student to write the superior answer. He is the Founder and Lecturer of Long/Short Term Bar Review. In addition, Professor Fleming is the Publisher of the Performance Exam Solution® and Multistate Examination Workbooks, the creator of The Exam Solution Tape Series®, which aids law students in exam preparation, the Author of the Essay Examination Writing Workbook Volumes 1, 2, 3 & 4. These are available in legal bookstores throughout the United States.



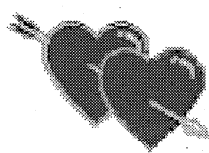
Professor Fleming has determined that the major problem for most law students is weak analytical skills. Most students can learn the law, but application of the law is a stumbling block under exam conditions. Professor Fleming has structured his programs to include both substantive law and legal analysis training. This provides the combination necessary for the development of a better-prepared and skillful law student and Bar candidate. These courses have made it possible for thousands of law students to improve their grades and ultimately pass the Bar exam.

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Happy Valentine's Day!



Pat and Jane: A True Story of Love at USD Law by Pat Blanco, contributor

I have a slightly interesting, and completely true, story about love and relationships here at USD Law School. Though you'll look in vain for a picture of "Pat Blanco" or the woman with whom I am in love, Jane, in the face book, you won't find them, they're pseudonyms. No one here at USD knows that Jane and I are in a relationship, or that we have been for six months. Indeed, other than the two of us, no one knows. Though now you know. Our only safety is that I won't reveal our real names.

Jane and I had two classes together last year; one in the Fall, one in the Spring. When we first started to talk to each other, our chosen subject was mostly our mutual class. As time went on, we would include more and more small talk, introducing other subjects, and even started to tell each other random pieces of our lives. We liked each

"No one here at USD knows that Jane and I are in a relationship, or that we have been for six months. Indeed, other than the tow of us, no one knows."

other, I think. The more we learned about each other, the more we appreciated the other person. But that was it. Neither one thought about the other in anything more than the typical fashion. She was nice. I was nice. We had a good time when we talked to each other. That was it.

Over the summer, we were both on campus. We talked more and more, and now that we were not in a class together, things started, slowly, slightly, to change. We talked a little bit more about personal matters. We talked more about beliefs, our feelings, and our friends. Perhaps we talked more about these things because we no longer had an easy topic: our class. But I think we both knew, at least a little bit, that we were also exploring the other at a slightly deeper level.

And as time progressed, and as I learned more about her, I began to like Jane more and more. Very much so. And, tentatively, thought that she might like me too. But it was hard. She is an incredibly sweet and

nice person; indeed, one of the most caring people here. There's not a person who knows her that wouldn't say that about her. None. But she is also tough. And she's not at all adverse to calling you out.

When I first tried to tell her how I was starting to feel about her, I did so tentatively and obliquely; in a way that would let her (and me) overlook the issue if she did not feel the same way. She told me – rightly – that I was merely dipping my feet into the water, and that this wasn't going to work. She deserved, and needed, someone who was willing to plunge right in. Which was incredibly hard for me. It's something I just don't do. But it was hard for her as well. She hadn't had a relationship like this before. She wasn't sure she wanted one, and there were other complexities as well. Foremost: People couldn't know.

Jane and I first slept together shortly after classes started in the Fall. It was amazing. I couldn't believe it. I spent the entire next day walking around the law school with her smell on my body and with a glazed look on my face, unable to think about school or classes or anything

other than her. And I am not like that. At all. I am a rational, intelligent, coherent person. But not with her. I was falling for her. Hard.

The second time we slept together was even more stunningly impressive than the first. And things kept getting better. As I continued to learn more about her, I fell harder and harder. I began to feel emotions that I had never felt before. I eventually revealed that I was in love with her.

On her side, she had never told anyone – aside from family and friends, of course – that she loved them. Like I said, she's tough. She told me in late October that she loved me. And I have never been happier. By the way, Jane is beautiful. She is incredibly attractive, fit, athletic, and is downright hot. This is not merely my subjective opinion. Jane is an incredibly desired person;

Please see Secret, continued page 7.

Avoiding a Valentine's Day Massacre: The Perfect Non-Law Related Date, Complete with Cites by Jared Ackley, assistant editor

Students coping with obtaining a legal education are often so immersed in their studies for either love of the subject, lust for money, or lack of a better option, that once outside the classroom all they continue to talk about is the law. How problematic is this? After all, weren't the on-going conversations with a young Plato what made Socrates famous? Well, maybe to anyone inside the legal pod-factory such action is perfectly normal. However, to a first date, significant other, fiancée, spouse, or message board, fond declarations about the nuances in the U.S. Bankruptcy

every person who got called on that day. Only other law students understand or care about discussions that could be entitled, "The Socratic Method and Everyday Life."

Now everybody is prone to interject splices from their occupation, career pursuit, or studies into their relationship. It's what makes one interesting – or at least part of being a good listener is feigning interest. Eventually topics will change, dessert will come, Conan will appear on the television. The problem is that law students, unlike people in just about every other profession, almost incessantly guide the conversation back to law over and over.

I imagine nothing is more of a mood killer to someone whose world does not revolve around the Supreme Court or West's Reporter Series, than an animated soliloquy about the inefficiency of in-person class registration, a vigorous analysis of some antitrust

Code are unlikely to earn spontaneous displays of affection. Rather, such talk will likely try their patience, and is simply not the most romantic use of quality time together. The everyday law student needs a plan to make sure they avoid a Valentine's Day massacre.

So I was watching *Mr. and Mrs. Smith* for the first time recently. Valentine's Day was still two weeks or so away. Now this is actually quite the quixotic movie if you like lots of action, snappy innuendo, double entendres, and explosions. Sort of like *Casablanca*, though not to insult the incomparable classic, in *Mr. & Mrs. Smith* I'll admit the over-done explosions do diminish the romantic sensation slightly. Here's a line from the latter: "How often do you have sex?" asks an off-screen marriage counselor. "I don't understand the question," replies Mrs. Smith. Had she asked him to repeat, we'd find ourselves back in law school.

My first thought is that I can't wait to use that in my next class. Unfortunately, that type of relationship back to law school might cost someone a date if they're not careful and instead start to explain what happened to

statute, or gushing admiration for the outcome of a school lunch program case.

Imagine this, for lack of a better word, hypothetical:

Male law student, "So you're a teacher. Tell me all about that."

Female kindergarten teacher, "Oh you know, we're on year round school now, but I like the vacation every two months."

<30 minutes later>

Law student, "So, sorry to bring up the law again, it's just that the case was so fascinating and I wonder if it applies equally when the *lunch* program offers discounts to *some* students, but not to *all* the students who are already on the *morning* breakfast program."

Teacher, "Yeah, I hadn't really thought of it that way. I brought my lunch from home when I was in school."

Male, "Want to grab some coffee after dinner?"

Female, "Actually I have to get up early for school tomorrow."

Please see Massacre, continued page 7.

I take this Person til death (or law school) do us part. . .

by Aaron Dumas, staff writer

Cheating has become so commonplace in law school that it has replaced stressing for an exam as the most common activity engaged in by law students. Now before you begin to worry that I have impugned the academic record of our students, this cheating relates solely to relationships. Law school is disastrous for relationships, for those who have been in a steady and beautiful relationship throughout law school, I stand and applaud you; for the other 95% of persons, this article is for you. Our students do not hide books or rip pages out of materials in the library, but they will steal your girlfriend.

Yet there are more than just the amorous relationships that must be touched upon; after all, the most tenuous relationships that occur in law school are between law students and their money. Who among us has not had that moment of sorrow when that perky young lady at the bookstore looks at you with a smile and says "Your bill is \$533"? If a "fool and his money are soon parted" then law students must be fools because no one is removed as easily from their money as law students by tuition, housing, books, alcohol (clearly the essentials), and by food: it is impossible to retain money.

"...you should not cheat in a relationship anyway, so you shouldn't expect a cookie for not doing so."

The relationship between 3Ls and 4Ls to the school is also rather tenuous; whether through disgust at their situation or from the dreaded senioritis, calling on a final year student and being shocked that they have not read for class is crazy. The relationships of third years with their text books tank faster than internet stocks. Law school does not just fracture relationships, it destroys them. It turns otherwise normal people into machines that crave caffeine, knowledge and sex. It makes people lose perspective as to what is normal behavior and begin to act as animals consumed by mating calls and the desire to satisfy carnal desires.

Let us dip into some phraseology: "bros before hoes" means oh so much more than its unfortunate use of the slang term for a woman of impeachable character while in law school. Unfortunately to a major extent the law school is a closed community: a closed, incestuous community. In our first year most students do not meet anyone but the eighty or so students that are in their section.

During orientation I always encourage incoming students to take advantage of the intermingling events so as to quickly get to know students throughout school because once the daily grind begins, the persons that you begin to know best are the ones that sit around you from day to day. The forced interaction that is brought about by working under intense pressure situations naturally brings about feelings of attraction to anyone that is even mildly attractive to you.

However, relationships born out of forced interaction are not always built on the most secure ground. But relationships based upon actual compatibility, and evolve over time like most friendships, are the ones that are great to have in law school. Even when flash romances spring up and flame out, your friends, your true friends, will remain there for you. Friends will understand why you suddenly have to run over to someone's home for a late night 'study' session despite making plans to hang out, while a new flame may not understand the need for study sessions.

Of course there are those of us that realize that for the sake of sanity and continuing friendships that a romantic relationship must be broken off. Sadly the other partner does not always agree. "Honey I think its best for both of us if we break up, law school is killing me and I do not want to cause you any stress as I grow crazier and crazier" seems to me to be a perfectly reasonable justification. Unfortunately my experience is that no matter what phraseology is used, when trying to break up and citing law school as the reason, the response from the other party has always been "No".

During my first year, because of my experiences, I firmly believed that the only persons that law students

Please see Cheating, continued page 9.

What Women Want by Tiffany Bailey, contributor

Believe it or not, law students discuss things other than cases, rules and politics. I occasionally find myself involved in deep conversations about dating and relationships. It is not uncommon for the topic to turn to the reasons why women are so difficult. This article is for the people who ask that question. Before I begin, I will admit that the women I am talking about may not be all women, but it applies to a lot of women I know. I will also admit that not all men feel this way. Here are a few myths that some

“Just because a woman is nice to you, does not mean she wants you. . . Please look for other signs that she is interested other than the fact that she is nice to you.”

men believe about women, and what I believe is the truth.

1. Women want a man with a lot of money.

The issue here is not just money; it is a combination of effort and what he does with that money. What is the best way to show the woman that I’m into how I feel? For some women, that means a little blue box. (Remember that a lot of women that like expensive gifts are not just taking them, they are also giving them). For other women, it means something personalized or sentimental. For most women it means you paid attention to who they are and what they liked. You listened.

With that being said, a cheap man with a lot of money is not a good combination. A man that makes a lot of money, but buys gifts from Walmart and takes her out to McDonald’s for the sake of being cheap will not be on the top of too many ladies’ lists.

Financial security is important, but it’s not just about what he can do for me, it’s also about what I don’t want to have to do for him. Simply put, some women just do not want to have to always carry her man financially.

2. Women want to settle down, get married and have kids right away.

Marriage and kids may be nice in the future, but not all of us are ready for that right now. Sometimes, we like to take our time and explore, or we want to focus on our careers, before taking such big steps in our personal lives.

Some women are ready for the marriage step in their lives. If you are not looking for that, state that in the beginning. It saves a lot of confusion and a lot of drama.

3. Nice guys finish last.

Bad boys are fun and sexy. But relationships with true bad boys never last. The stable and healthy relationships I have seen involve a good woman with a good man. A relationship with a nice guy has a better chance of lasting a long time, as long as he does not let his lover walk all over him.

4. Women always want to talk.

Women may like to be open, talk about what is on their minds, and share, but sometimes, we just want to go to sleep. Sometimes we want to hear about

you. Other times, we just want to enjoy the music or our quiet surroundings. Sometimes actions speak louder than words.

5. Women do not like sports or do not understand sports.

This myth is finally starting to fade. More and more women I know are actively involved in watching sports and participating in sports. If you have any doubt, talk to Kimball in the admissions office (especially about college football...she’s all over it!)

6. Finally, some helpful words of advice for when you first encounter a woman you are interested in.

Just because a woman is nice to you, does not mean she wants you. You may just be talking to a very nice woman who may be completely oblivious that you are hitting on her. Or, she may know you are hitting on her but does not want to hurt your feelings or be perceived as the girl who thinks she is better than everyone. Please look for other signs that she is interested other than the fact that she is nice to you.

On a final note, if a woman says she is busy every time you talk to her or ask her out, it usually means she is not into you and she does not want to hang out with you.

It is not that women are difficult; we’re not always that easy to read. We may be hard to understand and confusing, but that is because we are not as alike as you would like to think. Anytime something does not make sense, do us all a favor...just ask.

you go to a party and find your “soul mate” in the closet with some non-matching, non-product-using Neanderthal of a man.

At the same time, television will also tell you that to get a woman you should be a manly man who walks tall and doesn’t take crap from anybody. First of all, stop watching *Walker, Texas Ranger*. Second of all, this is also a lie. It won’t work. You couldn’t possibly possess the raw physical ninja skills of Chuck Norris and you will just find yourself getting kicked out of PB Bar and Grill with a black eye and a wedge.

So it would seem that there has to be some sort of middle ground: a guy who is smart and sensitive yet can kick the appropriate ass when necessary. But since we can’t all be Jack from *Lost*, there must be some other foolproof way to trick the object of your interest into letting you smell her hair and do all sorts of otherwise

creepy things. The answer is, “Be yourself.” The next question is, if you are trying to be yourself, why are you resorting to mass media to come to this conclusion?

You’re still going to end up emulating something you saw onscreen, and thus not be yourself. I believe the answer is that there is no formula for attracting someone. People are fickle creatures and don’t usually know enough about themselves to really know what they want. So the best you can do is be comfortable with yourself and try to be the least physically repulsive as possible while doing so. At that point you just sit back and wait for the love of your life to get drunk and give you a chance to be who you really are. Learning to love yourself is indeed, as the honorable Whitney Houston once said, “the greatest love of all.” And this has proven to be scientific fact when you consider the gem of a man that she found.

Suppose by some incredible twist of fate you find yourself in what seems to be a healthy relationship. Media myths will still find a way to ruin everything. One *See Hollywood, continued page 8.*

What Men Think by Aaron Dumas, staff writer

A mild warning before we begin: this article may appear somewhat sexist but it is not meant to be so read with an open mind and hopefully you will enjoy it. Then again starting an article with a disclaimer is almost as bad as listening to someone who starts off a conversation with “I am not racist but...,” usually something racist follows, but I will chance it here.

My editor, a cherub, salt of the earth, a wonderful woman, has accused me of being bitter towards women in general. Then, a group of female friends of mine were bashing a male friend of mine as an idiot who didn’t understand women. Since this issue is supposed to be about relationships I was told that I could just launch into a bit of a mini rant and examine just a few things that men understand or do not understand about women. To truly examine the issue would require a book and since most readers have a difficult time getting through even a thin edition of *Motions* (available all around the law school) I will just touch on those that I can remember as sparking recent arguments or discussion among colleagues.

“We do not always want to hear about your friend’s, friend’s cat and sometimes not listening is the politest way we can think of to communicate that lack of desire to you.”

1. If you wear words on clothing, why can’t we stare?

Ladies when you wear words on your derriere like “Juicy” or slogans that scroll across the plains of your chest, you must forgive gentlemen for staring, actively commenting, or smirking at the article of clothing. In fact, I submit that for us not to look would be just plain rude. I read those lines on your shirt not because I am lusting after the forbidden fruit like an undergrad staring at a bottle of rum through a closed liquor store window, but because for some reason I have to read the words slowly over and over again because I inexplicably find myself distracted.

Nothing else in life comes with as many contradictions as this- it is like purchasing a sports car and then being told never to drive fast. (My room-mate while proofing this article commented “Anytime you put something on your butt, you are begging for it to be read. No matter what it says, you are inviting people to read.” Basically, it is just a public service!)

2. We may not know everything but we know a little more than you might think.

You have got learn this, we do understand you. Men have figured women out; in fact you are like an open book test where we know the material so well that we choose not to even open our notes. However, like any test sometimes there are off days, sometimes the stress is so great that you cannot concentrate and remember all that you were taught and all that you know. A stressful situation (e.g. tears) can cause a man to fail a test so quickly that it is unfair to always expect a man to know the right answer to your questions.

3. Why must y’all travel in a pack to everything?

When in a group, women become a pack of wild animals in the minds of most men- a pride that must do everything together- and we are intimidated by it. “We all came here together, so we are leaving together” are the words guys regret hearing every night in bars in San Diego. I admit that if there is one thing men do not understand about women, and will freely admit to not understanding, it is the tendency to travel to bathrooms in a group that rival any rapper’s entourage. Does one hold the door, while another stands guard? Is it that the person that utilizes the facilities cannot flush for herself? Or is it that the person that runs the faucet cannot also dispense the paper towels? Is there even a bathroom attendant in women’s restrooms, and if so is her job to applaud? Many a male comedian has touched on the subject yet its mystery has never been revealed or explained to the male species.

4. Why do you think that we do not listen to you?

Ladies, when you claim that we are not listening to you or that we are ignoring you, I must protest. We do not ignore you, we have just learned the most efficient way of listening to you – if it seems like to do so is by tuning you out, so be it. But note: mention something that we like to hear and watch how quickly we perk up. Ignorance is bliss: We do not always want to hear about your friend’s, friend’s cat and sometimes not listening is the politest way we can think of to communicate that lack of desire to you.

See Women, continued page 8.

Someone in Hollywood Owes me a Girlfriend

by Eddie Tsang, contributor

Make no mistake, I am undeniably a fierce, testosterone-fueled man. I may even be somewhat of a tough-guy. Seriously: I almost never smile in pictures. The problem is that there’s a little girl that lives in my heart that causes me to do things like TiVo “The OC” and write this article. You see, I believe in love, and I believe that our pop culture and media are killing it.

I should also make it clear that this article is written from a somewhat biased and pessimistic viewpoint. Some people tell me I’m jaded. I hate the word jaded. Most of you wouldn’t even know what

“Nice guys are focused and knew from the moment they met your girlfriend that one day you’d screw up and they’d be there for her to watch Sex and the City with.”

“jaded” meant if it wasn’t for Aerosmith. That stupid song came out and all of a sudden every pubescent teenager decided they were “jaded”. Yeah, you’re confused and life sucks. That’s not jaded, that’s high school. But fine, if you must label me, I’m jaded. Perhaps even j-j-jaded.

I’ve screwed up my fair share of relationships, and every time it’s because I emulated something I saw onscreen. Pop culture propagates myths about love which, while providing great sources of entertainment, are destroying people’s chances of finding real romance. There are millions of shows that try to tell you what people look for in a romantic relationship. And they’re all lies.

Shows like *Queer Eye for the Straight Guy* say that women are looking for you to be understanding, match your shoes to your shirt, and use the right products on your face and hair. In reality, that’s the equation for becoming a girl’s shopping buddy/best friend. If you follow that method you might be able to trick some girl into hanging out with you, but don’t be surprised when

Mayor, continued from page 1.

mayor systems, including Fresno and Oakland. In fact, seventeen of the country's twenty-five largest cities have strong mayors, including Chicago, New York, and Los Angeles. Although they all have sharp distinctions between the executive and legislative branches, they do not have equally strong mayors. As a recent RAND study points out, they differ in the mayor's appointment and removal power and the mayor's power of the purse.

Under San Diego's revised Charter, with Council approval, the mayor appoints the Chief Operating Officer (COO—formerly the City Manager), the City Auditor and Comptroller, the police and fire chiefs, and members of City boards and commissions. Department heads are selected by the mayor, and they and the COO can be dismissed by him. In many strong-mayor cities, the City Attorney is also appointed by the mayor, but in San Diego, the City Attorney is an independently elected post held currently by independent-minded Mike Aguirre. As a component of setting the overall policy agenda for the city, the mayor proposes the annual budget for acceptance by the City Council. The Council can approve or disapprove with a simple majority. But the San Diego mayor now has a line-item veto to wield in fiscal matters. Like the federal or state executive, the mayor can also veto Council policy proposals. Like the federal or state

legislature, the Council can override the mayor's veto. Unusually, the City Council now has an even number of members (eight). Thus, it takes the same number of votes (five, a simple majority) to override a mayoral veto as to pass the measure in the first place. Many observers believe this situation will lead to an effort to enlarge the Council.

In transition to a strong-mayor system, the City Council role, thus, has also been redefined. Under the Council-Manager system, the Council oversaw the City Manager, who oversaw the City staff. Under the current system, the city staff is now answerable to the mayor. Because of the importance of accurate and independent information, the Office of the Independent Budget Analyst has been created for the Council, providing a staff independent of the mayor.

The severance of the city staff from the Council has also led to a concern on the part of some that their ability to provide constituent services may be impeded. The source of this concern is the Charter's noninterference clause (Art. XV, § 270 (h)) that restricts the Council to communicating with the Mayor, the COO, or the Mayor's designees regarding policies, decisions, and ordinances of the Council. In other words, when it comes to policy, the Council cannot utilize the city staff. When the Manager, under the oversight of the Council,

managed the staff, this clause was not as significant as it is in a system of separation of powers.

Thus, although we have begun the era of strong-mayor governance in San Diego, a number of issues remain unsettled. The City Attorney is examining the roles of the Council and the Mayor in development and land-use policy. Under the old system, the Council and mayor basically served as the governing board of the city's redevelopment agency. Land use and planning were traditionally in the hands of the Council. Proposition F and Charter changes have not answered definitively where decision making authority lies on these important issues.

This article has focused on the structural aspects of the mayor's and council's role in San Diego's strong-mayor government. Equally important during this period of continued transition are the Mayor's and Councilmembers' use of "soft power," the powers of persuasion and accountable leadership. The strong-mayor system will sunset on December 31, 2010 if San Diegans do not vote to make the change permanent. A lot is riding on whether Jerry Sanders and the Council can all get along.

Mary is a 3L and will finish in December. Last year, she was a legal intern for City Councilmember Donna Frye.

Pets, continued from page 1.

As bleak as the picture for pet victims of domestic violence is, some people disagree with raising awareness of animal protection when the safety of women and children is at stake.

For example, recently the SBA, Student Animal Legal Defense Fund, and Pro Bono Legal Advocates (PBLA) collaborated to provide educational brochures on the dangers to pets to PBLA's domestic violence clinics. When a student

delivered the materials, a staff member scolded her for focusing on the wrong problem. But this criticism misses the point — it is not a question of either/or. The human and animal members of a family are connected, and their fates are intertwined.

A Utah survey of women in a shelter found that 20% had delayed leaving their abusers because they feared if they did their pet would be harmed. A 1997 study from Canada found that almost 50% of victims had delayed leaving for the same reason.

Thus, by providing options for the safety of the animals in these homes, we can help secure the safety of human victims. We can also provide them with a source of comfort and companionship (their pets!) after they leave their abusers.

HSUS has created a model program called Safe Havens for Animals™ to help communities solve this problem. Safe Havens programs provide temporary foster care services for pets of victims who go into shelters, and provide outreach and education. Though the model program contains all of the information and many of the resources needed to start a Safe Havens type program, surprisingly few communities have them.

For example, there are only seven California cities listed on HSUS's directory of these programs, and neither San Diego nor Los Angeles are among them. The local Humane Society here in San Diego does offer emergency pet foster care, but that program is not tailored to the unique needs of domestic violence victims for confidentiality, outreach and ongoing education on the legal issues involved, such as how to establish ownership of the pet.

When I attended the Equal Justice Works conference in Washington DC this year (courtesy of PILF), I met an attorney from the Animal Legal Defense Fund (ALDF) who shared my concern about this problem. She told me that she believed that law school provides an ideal environment for creating a Safe Havens for Pets program: lots of politically-aware, justice-minded people who love animals but may not be ready to take on a full time pet, and resources for staying abreast of the legal issues of importance to domestic violence and animal protection.

She had the experience to prove that this can work. While a law student at the University of Wisconsin, she had founded WUFFS — Wisconsin United for Furry Friends, a Safe Havens program (<http://www.wuffinfo.org/>).

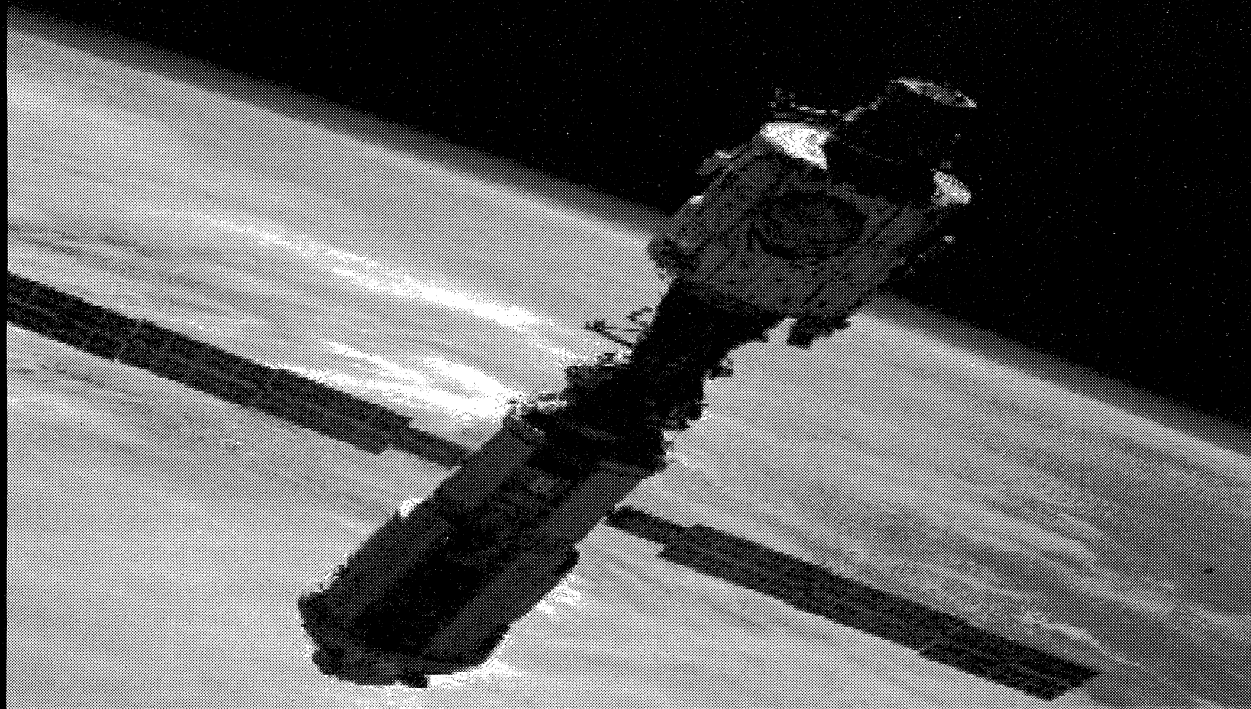
I believe that USD could be just as successful, and am working with Sarah Speed, a fellow 2L and the President of SALDF, to get a similar organization started here. We are still in the early stages, but have already incorporated and gotten the support and recognition of our local Humane Society. What we need most now is volunteers.

If you would like to be a pet foster parent, or would like to help us in organizing, fundraising, educating, or any of the other tasks ahead, please contact me at kirsten-07@sandiego.edu, or Sarah at sgteddy83@hotmail.com. And look for more information coming soon!

Kirsten Widner is a 2L and an active member of the SBA and PILF. She is the proud "mother" of two rescued cats, Sidney and George.

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Massacre, continued from page 4.

Notice how the law student has done a number of things wrong. First, he could not resist the temptation to guide what was supposed to be *her* half of the conversation towards an analysis of the law. Second, this is the time to get to know someone. Here, the law student actually dominated his companion’s profession by transforming the nature of the discussion. Moreover, it just wasn’t romantic. Sparks cannot fly and chemistry cannot set in when you are breaking down casual conversation into the application-of-the-facts section of a brief. The student, if so tempted to make reference to the law, should be light on his or her feet, like a boxer. Tease the law for a romantic jumping point, and then quickly get off the subject before you have killed any desire faster than a knockout cross to the head.

How does one go about doing this? Well, let me present to you the soft romantic underbelly of the law. As in the comparison of *Mr. & Mrs. Smith* to *Casablanca*, I will present five cases that can act as a jumping point from the law to more starry-eyed musings just in time for what many consider to be the most romantic day of the year. Now arguably, Valentine’s Day is too wildly built up, but the lesson here is not to argue: a case or anything else. However, should you want to make romantic attempts any other time of the year, these bridges are standards that should support the makings of an interactive and memorable date. Of course if you can’t get enough of the legal ramifications of everything, the easy solution is to date a lawyer. You’ll either live in bliss or you’ll cancel each other out and eventually open a wine hut in Temecula together.

Now, I became interested in the law as an academic subject that I could talk about for hours after learning as an undergrad how legal ideas built upon one another to reach solutions. The five cases below can be added up like so many Constitutional Amendments to create a penumbra preventing the average Dick or Jane’s Valentine’s Day from being shot down by the law. Remember, these examples are meant to be catalysts for genuine interaction, not a lecture to the soul mate, budding interest, or target sitting across from you. Whether your companion has known you for five hours or five years, borrowing these examples from the world of law signify not only that that is what you do, but you can also place the content of your studies within moderation and balance. To make sure you don’t lose your way, just use the adjoined movie quotes to segue away from any legalese.

Poetry: This example leads off since it is the ultimate mix of the law and the romantic. Known bench bard, Judge Mike Eakin, waxes poetic in the case *Busch v. Busch* (732 A.2d 1274 (Pa. Super. Ct. 1999)), where he upheld a pre-nuptial agreement exalting, “They wanted to marry, their lives to enhance, not for the dollars – it was for the romance. When they said, ‘I do,’ had their wedding day kiss, it was not about money – only marital bliss.” Normally, we live in a dry universe of parsed, shapeless syllables when we tackle our memos and

present our briefs. Poetry seems to be about as far away from legal script as oil magnates are from members of Green Peace in the real world. In *Casablanca* Major Strasser tells Captain Renault, “You give him credit for too much cleverness. My impression was that he’s just another blundering American [in reference to Rick (Humphrey Bogart)].” Renault replies, “We mustn’t underestimate American blundering. I was with them when they blundered into Berlin in 1918.” Reference poetry and you’re off to a smooth start.

Flowers: Getting fresh flowers is a nice touch, preferably ones that last longer than a few days. In *Imazio Nursery, Inc. v. Dania Greenhouses* (69 F.3d 1560 C.A.Fed. (Cal.) 1995), the parties are arguing over whether the patent rights to a type of flower that blooms right on time for Valentine’s Day, are being infringed. There is a lot of banter over how the determination of a separate species of flowering plant, thus establishing or disproving infringement, should be carried out.

Obviously, the technical mechanics of this case would kill the mood of any candlelit dinner, regardless of how big a bouquet you either bought or how nicely you thanked the one bringing them to you. Even if your date is a botanist, see the teacher example above; you would likely bore them out of their own subject. However, from this case you do learn that the early blooming Erica Sunset is available in February despite the cold weather. Or cover with Captain Renault’s compliment to Ilsa (Ingrid Bergman), “I was informed you were the most beautiful woman ever to visit Casablanca. That was a gross understatement.” (Obviously, insert San Diego for Casablanca).

Movie: Now here I think you can cheat a little. You can get away with watching a film that has the law in the background, for instance if you were to rent something for a night in. However, it might be noted that *Casablanca* is playing at the Museum of Photographic Art in Balboa Park beginning in early February. Anyway, going a little against the grain, I would suggest *Big Daddy*. I know some find Adam Sandler’s humor immature, while others find it hilarious. However, no one can ignore the burgeoning love story, peppered with the endearing, if not child-like antics used by Sandler to win over Joey Lauren Adam’s character, Layla. The only pitfall to avoid would be explaining to your companion how *you* would have conducted the custody hearing trial at the end. Also, don’t forget the music; as noted by Sandler in *Big Daddy*, “Laylā” by Eric Clapton, is a good one.

Gift: In *Moseley v. V Secret Catalogue, Inc.* (537 U.S. 418 (2003)), an army colonel out of Fort Knox is disturbed by ads put out just in time for Valentine’s Day by a store named Victor’s Secret. The officer is apparently worried that the citizenry might confuse Victor’s Secret’s “unwholesome, tawdry merchandise” with that offered under the trademarked brand of Victoria’s Secret. To make a long story short, he reports the mark’s similarity to the latter and they sue. So what does this mean? Well, if you picked up something from

Victoria’s Secret either in the spirit of giving or receiving, you can rest assured that the Supreme Court too is concerned that you’ll have high quality merchandise even though, in this case, the statutory element of dilution was not found to be sufficient to penalize Victor’s Secret. So, assuming you know what you’re looking for, by all means, peruse that gaudy little boutique off Garnet in PB. However, realize that trademarks are meant to ensure quality, so make sure you know what brands are acceptable by nailing down the details. This goes for anything, including candy, shows, or restaurants. Enlist Rick’s approach upon conjuring up his last meeting with Ilsa in Paris, “I remember every detail. The Germans wore gray, you wore blue.”

Conversation: Finally, don’t be too aggressive or too passive and cryptic; find a tone that conveys clearly what you mean. For example, I would analogize lawyers to little kids trying out some new skill when they strut into the real world armed with their newfound ability to look up case law and statutes. However, referring to marriage in terms of *Loving v. Virginia* (388 U.S. 1 (1967)), co-habitation in terms of *Marvin v. Marvin* (122 Cal.App.3d 871 (1981)), or shorter relationships in terms of *Eisenstadt v. Baird* (405 U.S. 438 (1972)), is probably worse than when guys start talking in baseball “code” lingo (For example, *Loving* translated might be thought of as signing a player to a long-term contract).

Thus, unless you truly have a way with words, you would be hard pressed to propose marriage using a breakdown of the constitutional rights as set forth in *Loving*. See: Rick, “How can you close me up? On what grounds?” Renault’s reply, “I’m shocked, shocked to find that gambling is going on in here!” (Renault, of course, is then handed his own winnings).

When it comes down to it, there is no real way to evaluate romance or the line that one should tread between sharing enthusiasm for one’s personal pursuits and over-indulging to the point of insanity. As a law school newspaper, the articles within are meant to pertain to the daily lives of law students, and the highlight of those lives is the balancing act between academia and everything else. Some people are great at it and can turn off the legal jargon as soon as they get into their car.

However, I think a lot of students find a way to relate everything in sight to the law in that same way medical students think that they suddenly exhibit every symptom in the world as soon as they enter med school. The key is to act in moderation; use the law as a jumping point, not a point to jump to. After all, we have to learn every day to understand the minds of long-dead legal scholars and judges – romance should be easy. But then, I’m both a law student *and* a guy, so what do I know.


Jared will spend Valentine’s Day in the LRC with a bottle of Cote du Rhone wine, in a spill-proof container, researching the implications of Moseley v. V. Secret Catalogue, Inc. in the greater scheme of trademark versus copyright law; to be followed by a romantic game of billiards at Society.

Secret, continued from page

the number of male USD law students who have been attracted to (and hit on) her is stunningly impressive. She is also incredibly smart. Oh, yeah, one more thing. You cannot believe how good she is in bed. And, again, I’m not the only one who thinks so. But, oh, my goodness, do I think so. (As for me, to be honest, I am by no means the hottest person on campus. In my defense, however, I’m reasonably bright, and forthright, and think that Jane likes those attributes in me. But I am stunningly lucky to be on the same campus as someone like Jane, much less in the same bed.

Before me, Jane had never slept with anyone here. Neither had I. Neither of us really wanted to be in a relationship with someone here, for a variety of different reasons. For one thing, the community is too small; the gossip mill too pernicious. We all know people who have gotten reputations. Or towards whom people react adversely, or at least differently, after they learn that X has slept with Y. In our case, that’s indeed how people would have reacted. Hence, the secret.


Jane and I are still together, and just saw each other again after we returned from our respective breaks. Our relationship continues to evolve, and deepen. I know that we have an unusual relationship. I sometimes want to tell people about Jane and me, but don’t. That’s our agreement, and it’s a good one, for both of us. Sometimes relationships here at the University of San Diego School of Law are complicated. Ours certainly is. But I have never been happier in my life.



Students, hold on to those Financial Aid checks! Professors, call your Managing Partner friends for a golf game with some law students eager to pick your brains!

The Women’s Law Caucus Annual Faculty Auction is Coming!

The Annual Faculty Auction will be held in the Writs on February 28th from 2pm to approximately 5pm. There will be free food and drinks. There will also be many opportunities for you to give to a good cause while taking advantage of a great opportunity for yourself and some friends. Many of the items are packages which work best when a group of students pool their money to bid. In the past we have auctioned off golf games with professors, private wine tastings with your favorite profs, luncheons with partners at major firms. Watch your mailbox for further details on what great items we will be auctioning off this year. All proceeds of the auction go to charity.



Hollywood, continued from page 5.

particularly evil lie that media perpetuates is "If you love it, let it go. If it was meant to be, it will come back." Horse feces. This only works in one situation: you're a pure angel of a woman, and your boyfriend foolishly thinks he wants to explore his options.

If you aren't a pure angel of a woman, your boyfriend will be able to find someone else to keep him busy between eating and sleeping. He's not coming back, and if he does, it's not for the "love," unless "love" is evidenced by desperate 2 AM drunk dialing. If you're a guy, your chances of letting love go and having it come back to you are virtually non-existent.

The premise behind this fabled Boomerang Love is that the object of your love will venture out into the cold cruel world and realize that you're the perfect man. The problem here is that there is no perfect man, and if there is, it certainly isn't you. There's always something about you that she'll wish wasn't there, and she'll be able to find someone just as good as you pretend to be, but without that particular flaw. So if you find a good partner who is willing to accept you, recurring rash and all, don't let her go because you'll probably never see her again.

Another evil media lie is that nice guys finish last. Depending on how you prioritize things, I would say that nice guys actually finish first. I should qualify this highly controversial statement with some definitions. By "nice guy" I, of course, refer to the guy who doesn't try to be a player, doesn't try to impress his friends, doesn't objectify women, and seems to not have a selfish bone in his body.

In short, he's the "friend" that's always floating around your girlfriend that buys her a really thoughtful birthday present when you got her the new 50 Cent CD. By "finish" I refer to settling down in a good healthy

relationship, and eventually getting married. With these definitions, I think nice guys usually finish way ahead of the rest of the male species. They may even lap us a couple times in the process. The reason why is that the rest of us guys emulate pop culture and don't recognize love when it's right in front of us, asking us to watch *Brokeback Mountain* with her.

Pop culture gives us plot lines for love, and if our situation doesn't fall into one of them, it's hard for us to recognize it as love. So what's a guy to do if his love story isn't earth-shattering or dramatic? What's a guy to do if he meets his girlfriend on a cruise ship but it doesn't hit an iceberg, or if his girlfriend isn't from a feuding family, or worse, she's not from a rival synchronized snap-dancing gang?

What he *should* do is just look inside himself and trust his feelings and commit to the girl, but what he usually does is wander around and try to play games with women in hopes of finding that earth-shattering love. That's the difference between "nice guys" and players. Nice guys are focused and knew from the moment they met your girlfriend that one day you'd screw up and they'd be there for her to watch *Sex and the City* with. You, on the other hand, are never satisfied and want to play the game, looking for something better. But the game never ends, and while the nice guy is at home relaxing with his new ladyfriend (read: your ex-girlfriend – who you'll never get back with – ever), you're still in quadruple overtime.

That's about enough of that analogy, but I'll leave you with this. If you must play the game, by all means, play on, playa. Pimp that ride and holla at those breezies. But know that for every diamond you're busy putting in your grill, some nice guy is putting one on a good woman's finger.



ATLA Spring Tourney is Coming!!

If you have ever wanted to try your own case, here is your opportunity! The ATLA Spring Mock Trial Competition provides you with the opportunity to see if you have what it takes to be a trial lawyer. Every law student¹ is allowed to compete in this intramural tournament. Here are some of the benefits you will receive from competing:

- ✓ **Mock Trial Experience at the San Diego Superior Court**
- ✓ **Impressive Resume Bullet Point**
- ✓ **Best Chance to Make the National Trial Team**
- ✓ **Serious Networking Opportunities with Local Attorneys and Judges**

This will be a two-person team tournament – so choose your partner wisely. You will put on a full trial in a real courtroom before real attorneys and judges. A full trial means that you and your partner will present an opening statement, direct and cross examinations and a closing argument. That includes presenting evidence, questioning witnesses and making arguments before a jury.

Finally, the University of San Diego School of Law's National Trial Team will be selecting several new 1L and 2L team members based on their performance in this tournament.² If you are interested in trying out for the National Trial Team, this will be your best opportunity.³

It may very well be quite a few years before you have your next opportunity to try a case that you are first-choiring. So seize the opportunity!

Important Dates (tentative)

| | |
|-------------------|----------------|
| March 30, 2006 | Sign-ups begin |
| April 21-23, 2006 | Tournament |

To learn more, contact ATLA Spring Tournament Coordinator Tommy Feiter at tommyfeiter@msn.com.

¹ National Trial Team Members are ineligible to compete.

² New Trial Team Members are selected at the coaches' discretion.

³ The only other way to make the team is through the Annual Thomas C. Claring Argument Competition held each fall. Note that the new Trial Team members are chosen through this process.



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Women, continued from page 5.

5. Why do you say men never show emotion?

Men do show emotion; we are not the unfeeling machines that you think we are- just observe us when we are watching our favorite team, call us unfeeling then, I challenge you. Yes, it is natural for us to hit each other when mad, sad or happy – what y'all don't?

6. Why do you think that we are too dumb to know that you are rejecting us?

We know that you are not washing your hair every Saturday night, we just keep asking if you're busy in the hope that one day you will slip and say yes to an invitation. Despite our incessant requests for 'dates,' we do not think about sex constantly – at some point we have to watch the game and unless a gentleman enjoys the company of other males, while eleven men are pounding eleven other men in an athletic pursuit, thinking about sex is just not part of the equation.

There is a secret guy handbook about dealing with women; most men just refuse to read it. Stop listening to each other about how to handle men: I sat in a car recently with four young ladies and after vainly trying to throw myself into the other car following us I was forced to hear four women tell me about men. The minute you tell me that you understand more about us than we do about women you have immediately told me that you do not understand us at all. As a colleague noted, women always imagine that they know exactly what type of woman a guy wants. In reality we are complex beings and do not just have a type that we are attracted to and constantly go after.

Maybe we are just not meant to understand each other as opposite sexes. It is the clashes that occur between the different sexes that keep life entertaining.

Aaron D is a relationship counselor and runs a fantasy matchmaking service via his blog calijamaican.blogspot.com.

ATLA, continued from page 1.

fact pattern, court documents, depositions, exhibits and jury instructions. As with most mock trial tournaments, this one will entail a full trial. The preparation for this competition will be rigorous. Each of our two teams will have practiced for at least six weeks before the competition. "The schedule calls for practice sessions four or five days a week, with each practice lasting three or four hours," according to Head Coach Professor Richard J. Wharton.

"The marathon workouts aside, a mock trial competition is definitely more intense than other law school competitions," says Wharton. "In a mock trial competition, arguments take as long as three-and-a-half hours compared to the thirty minutes typical in moot court. Moreover, during the competition you have to win six trials in three days to win the tournament."

During practice, members engage in an in-depth analysis of the case, working together to develop theories and plans of attack. Next, the members develop their direct and cross examinations while trying to anticipate any evidentiary objections. Team members and coaches then tweak trial techniques by reviewing applications of the Federal Rules of Evidence and the Federal Rules of Civil Procedure, which govern this tournament.

Opening statements and closing arguments are closely scrutinized by the coaches to maximize



Richard "Corky" Wharton, Head Coach

their effect on the judge and jury members. "While adequate preparation is the bedrock for any successful trial attorney, we have come to realize that it all comes down to how our students execute when it comes time to perform," according to Trial Team Administrator and Assistant Coach Lisa Hillan.

Last year, Stanford Law School took first place in the Western Regional Tournament. This year, we are pulling for a win by the University of San Diego School of Law. To do so, we will have to rank as one of the top two teams of the sixteen competing from following schools:

1. Louisiana State University – Paul M. Hebert Law Center
2. University of Wyoming College of Law
3. Loyola Law School – Loyola Marymount University
4. University of San Diego Law School
5. University of California, Los Angeles – The Law School
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Cheating, continued from page 4.

should date were law students or certified saints and even the latter was risky. My feeling was that only law students could or would be willing to understand the relationship sacrifices that must be made in order for survival. Everyone says that they can understand law school and that they will be there for you, but once law school actually begins, significant others do not like being the secondary option in a spread offense.

I have evolved beyond my first year reasoning and do not believe that only law students and saints are needed for relationships. I now believe that the only option for law students is to date saints, no one else can be used (bad term). But, a column of this type is useless if persons do not actually get some examples of situations that can occur because of law school. In fact as a colleague of mine likes to point out, if one has patience, over the course of your years in law school, most people that you are attracted to but are currently in a relationship will at some point be single.

Once again, if you have a beautiful relationship I applaud you and envy you. If you created this relationship during law school I worship you! If you have remained faithful in the above relationship I have nothing to say to you, because only in law school (and I guess in the new dysfunctional society) are we commended for doing what is right and just. Though it has just occurred to me that some in our school may not understand the prior sentence – It means, at the very least, you should not cheat in a relationship anyway, so you shouldn't expect a cookie for not doing so. I do believe that a strong relationship will survive even the horrors of law school- and oh, it is horrible.

Marriage is not necessary for a strong relationship though I did enjoy when my professor mentioning the high rate of divorce among lawyers and the sole married student in our class suddenly logged on to a divorce statistic website. Is there any greater joy than knowing that the person that seems to have their life the most together is not as stable as you think they are? Or maybe that is just a sad grouchy old man way of looking at things and hoping that if others seem as miserable as you are maybe, just maybe, you are normal.

Law school generates a lot of long distance relationships; it is harder to maintain a strong and well

constructed relationship when the object of your affection cannot be seen. It is nearly impossible to know just what your relationship is made of when much of it is spent stressing about school, or purposefully not talking about school. Having a relationship where you cannot talk about law school seems a bit flawed; because currently school is your occupation and one should be able to talk about their occupation: if not, maybe you are in the wrong field. If absence makes the heart grow fonder, law school makes the heart grow harder.

Some law school relationships make the TomKat (Tom Cruise-Katie Holmes) affair seem normal. There are the examples of students whose boyfriends begin to freak out once they enter law school because they cannot deal with their girlfriend attending school. They then begin to worry about how much time their girlfriends spend studying, some even fear their girlfriend's rise to success and freak out to the point that they become a drain to be around and the thing they feared the most becomes the only option – a breakup. This often leads to a swift breakup and a hardening of the heart.

Law school can lead to bad choices when it comes to who we pick for relationships. Quick and convenient is great for picking fast food places, not so great when in the search for the love of your life. As I sat with some of my male colleagues in a certain coffee shop on campus famous for its scenic views, the conversation turned to relationships, sadly all of us had suffered a failed relationship, or several, while in law school and the conversation, as is invariable in such discussions, turned to the merits of dating an undergrad. Apparently obtaining an undergrad is now a desirable situation, maybe it is because we assume them to be naïve, trusting and easily led.

I reflect on some of the relationship choices I have made in law school and I shudder. One should not date someone who will cause more strife in law school than is necessary; fighting over someone should never occur, especially at this stage in our careers.

Speaking of who we should or should not date, some colleagues and I have discussed dating within our sections; four seems to be about the maximum amount of people from within your section that you can date (and that's for life). Even four is pushing it; after all, even the most hated person in our law school has at least six friends and those friends have friends and the connections

continue till there is a huge web of connected friends.

That extension of the friends circle will initially seem great while the relationship is going well, but once the relationship goes sour then the six or more friends of your ex will often become your enemies. A classmate of mine who dated within our section quickly found out that once he broke up with his ex, all the new friends he had acquired within our section hated him and his friends.

Law school relationships can completely ruin friendships, it is a difficult task to break up with someone and then sit next to them in criminal law (the amount of homicide cases involving cheating partners is staggering). Beyond the friends of your ex that will no longer like you, there is often a strain on your own friends. It is often difficult to plan an event knowing that so many groups of people cannot be in close contact with each other because there was once a relationship between members of the group.

Unless one works for the Federal government few of us can keep a secret so efficiently that no one else knows about our relationships. Though many of us strive to keep our relationships to ourselves we cannot completely keep them hidden from the prying eyes of our colleagues, and their comments about your situation cannot help it. I believe this may be why so many relationships in law school are on again off again. In fact some relationships cycle through on and off so quickly that one dares not walk up and ask "how's your boyfriend doing?" because depending on the day of the week there may or may not be a relationship.

Law school is a tremendous strain on our time and resources. Mentally it wreaks havoc with our brains and our finances take a hit that cannot easily be shrugged off. I may have seemed rather callous in describing relationships but I truly believe that a good relationship is to be valued and treasured; law school is already tough enough, going through it alone is even tougher. Value the relationships that you have!

Happy Valentines Day!

Aaron Dumas has become a relationship expert by default not choice and daily watches with horror the wreckage wrought by law school upon the lives of his colleagues. Calijamaican.blogspot.com

OP/ED SECTION

Low Interest Rates Destroy Economies: Or How I Learned to Love the Bomb

by Bron D'Angelo, staff writer

The seeds were in place before the events of 9/11 occurred. The economy was on a slow, downhill spiral, and no recovery could be seen in the near future. We had an inept administration at the helm and it had been several years since the seemingly untouchable investment opportunity of the Internet turned out to be fool's gold. But one thing was still in place—Alan Greenspan was still at the helm of the Fed. If there was one thing that the American

potential and was in his price range, he had a right mind to buy it. So he entered into negotiations with the owner of the property. Everything was set. The paperwork was filled out, the house had been inspected, all the i's had been dotted and the t's had been crossed, only one thing was left to do: the credit check. In this situation my friend had no concern. He had over fifteen properties already, and the credit check was a mere formality, which is why it was such a shock to have the owner deny him the sale. Apparently his credit was just too good.

We quickly used my newly found powers of Lexis-Nexis to perform a search for the property. As it turns out the home had been sold twelve times in the last ten years! Even more shocking was the fact that

We are all too familiar with the skyrocketing housing prices here in Southern California. La Jolla was recently named the most expensive real estate in California, surpassing Malibu and other ritzy names. Yet a conundrum exists. The median income for a household in San Diego County is \$64,273, and the median home price is \$540,000. By all accounts, hardly anyone should be able to afford a home, and yet, they continue to be sold. The conundrum can be explained by predatory lending on a national level.

We have all heard of the interest-only loans, and while they are still legal, they are on the bubble. Many people take advantage of these loans in order to hold on to property as an investment, selling them after only a few years. But what happens when the houses stop going up in price? The mortgage companies foreclose on the home, and no surprise, when the house is put up for auction, the mortgage lenders are the highest bidders. This allows them to start the process of lending all over again, with people who are just trying to start their own American dream.

But what does this have to do with the Fed? When the Fed lowered the interest rates back in 2001, they did so in order to stimulate the economy. Where the Fed went wrong is that they give the American people too much credit in being able to balance their own finances. By lowering the rates, predatory lenders are able to target individuals with bad credit scores, housing rates shoot up, and the race to own creates this unnatural pressure to buy now. Had the Fed maintained interest rates at a normal level this rush would not have happened, and the economy would have eventually recovered on its own through other more stable means.

Up until this point, this has not negatively

See Interest Rates, continued page 11.

"Where the Fed went wrong is that they give the American people too much credit in being able to balance their own finances."

people could count on, it was the wisdom that years of experience would guide us through these troubled times. That is how the plummeting interest rates first started, and it may turn out to be the turning point towards even darker times.

Before I get into how the Fed's properly natured, but ultimately economy destroying, policy will cause the eventual downfall of life as we know it, a short narrative is in order. Throughout high school and college I had a friend who planned on becoming what basically amounts to a "landlord." Shortly after obtaining his degree he began his acquisition of land and property around the Tucson area. The reason I bring this up is because of one particular house that he tried to purchase, from what appeared to be an ordinary, respectable, middle aged woman.

My friend saw this particular property up for sale, and since it was in an area that he thought had

the seller in every instance was the same woman! This was perplexing, and so further research was done on the matter. As it turns out the woman had quite a racket going. She was a practitioner of predatory lending. In a nutshell, the woman would finance the individual who was buying the house, this is why she needed somebody with a low credit score, somebody who would have a hard time securing a loan, and then making payments. She would offer a loan to the individual, with a low interest rate at first, sometimes with them only paying the interest for the first six months. But then the interest would kick in, and the interest rate would be high since the buyers could not get any other form of loan. Within a few months, the house was back in the possession of the woman, and she had collected on several months of interest and payments, and oftentimes a down payment as well. The scam had worked well for her, and it is happening now on a much grander scale.

Where have all the anti-war protesters gone?

A response to 'Nothing Rhymes with Syria.' By Becky Blain

By Cole Cannon, contributor

They have gone into retirement—the anti-war protesters that is. They are now faced with a different battle, a battle of corporate scandals, tireless efforts to secure social security and ensure their long-earned pension funds. Their children—us—have been too distracted with the 'good life' that our parents earned to do anything about the war. Though I have never seen *Syria*—and regretfully probably

felt, and what they did when they heard about the Trade Towers going down. The barrage of media coverage that would follow the attacks would indelibly inscribe images of a bruised nation in the minds of its citizens.

Fears of flying, emergency blood drives, and horror stories of our buried friends would make 9/11 anything but forgettable and certainly not forgivable. Even the possibility of the Bush administration being right in their accusations (as Becky suggested) against Hussein's WMDs would make an invasion tolerable and the loss of American lives reasonable in the public's view. *Si vis pacem, para bellum.*

2. Iraq minus 9/11 does not equal Vietnam. I don't know what the magical number of casualties it takes to start an effective protest but I suppose it is

Saddam was a good man. The opposition to the Viet Cong, in contrast, was much greyer, in fact most didn't even know which side we were fighting for.

3. The incentives for protest have changed. An economist will always implore an inquisitor of human behavior to investigate incentives. A brief exposition of the incentives associated with protesting makes its absence over Iraq perfectly understandable. Protesting takes time, money, and the perceived payoff—perhaps a slight reduction in troops—is insignificant to the average American. Previously the protest began on college campuses among those that had everything to lose—their lives.

Today the loss of tax dollars, roughly \$500 per tax payer in 2004, is acceptable when balanced against the probability of a future attack however miniscule. Even worse, protesting may actually succeed. In broadcasting their indignation for war the protestors will risk losing what could have been a valuable investment in the Middle East. Finally, we are all nearly equally affected by the parasite of the petroleum industry. In the deepest recesses of our minds we may actually think the horrendous gas prices are due to ominous rulers like Hussein. Suddenly, *not* protesting may have an effect on

"Iraq minus 9/11 does not equal Vietnam. I don't know what the magical number of casualties it takes to start an effective protest but I suppose it is more than 2,200—the estimated U.S. deaths in Iraq since invasion in 2003."

won't since my marital commitment to law school has resumed—I propose three responses to Becky's perhaps rhetorical question "why isn't this turning into the next Vietnam?"

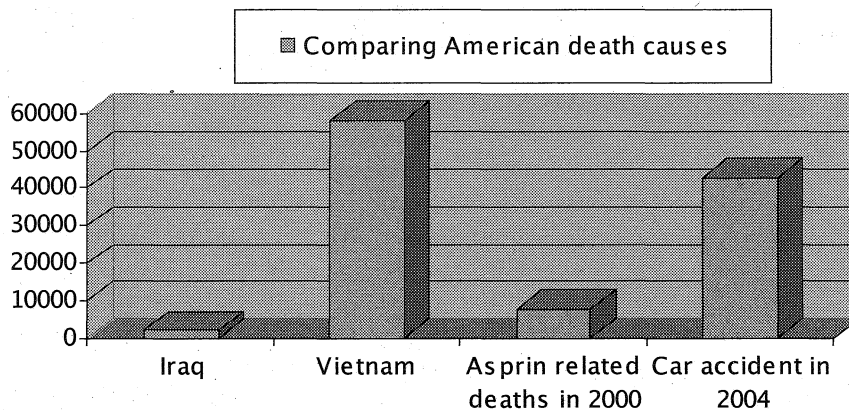
1. Communism was not like terrorism. Though communism was detested and much feared by the pre-hippie generation as evidenced by the dubious yet successful Senator McCarthy, it never quite "hit home" as does terrorism. Sure there was Khrushchev's clever Cuban Missile Crisis but in the end no lives were lost. The proximity of the crisis may have been the extinguisher of anti-war sentiment when U.S. involvement in Vietnam began to escalate but one can only suppress a fire so long.

The Gulf of Tonkin was no 9/11. Recall that the focus event that granted President Lyndon Johnson and later Tricky Dicky "all necessary powers" to repel the Viet Cong resulted from *alleged* attacks upon two U.S. war ships, the U.S.S. Maddox and U.S.S. Turner Joy (helpful trivia to know). The result was the empowering *Tonkin Resolution* that would later allow the president to send thousands of U.S., proud, to a remote battlefield. From all future accounts the attacks never even happened.

Imagine that, a president hinging a need for escalation upon a security falsity (sounds familiar). The soldiers were being sent under the banner, "Remember the Maddox!" I wonder how many people actually remember the Maddox, probably a lot less than do 9/11.

9/11 affected everyone in the United States, if not the entire world. Even those with the most fleeting memories can recall what they were doing, how they

more than 2,200—the estimated U.S. deaths in Iraq since invasion in 2003. Quite honestly I don't think the Pentagon knew the talisman either and frankly they did not want to find out hence a need to "leak" the incisive Pentagon Papers. The following table will put the



scenario into perspective:

As much I hate seat belt laws (that is, for the decision making and competent adult) there could be five times as many lives prevented by stricter enforcement of them than would be saved by not going to Iraq. The chart makes no mention of the staggering 538,000 troops that were committed to the evasive cause of Vietnam compared to the roughly 137,000 in Iraq.

Finally, at the end of the day we are all happy to see the result of Hussein deposed from the presidency. I have yet to meet a conservative or liberal that thought

than commit political suicide by escalating as did LBJ. I look forward to a very gradual demilitarization followed by a permanent military installation in Iraq. At best, the new base in Baghdad will join the other 752 U.S. bases found in 130 countries worldwide and serve as a minor tax drain and petty annoyance to the would-be protesters that have now retired.

Cole is a first-year hopeless romantic. He hopes to buy an island and retire on it at age 30. He can be reached at cole@cannon-assoc.com.

my commute to school and allow me to spend my money on the loftier pursuits of our generation, like X-box games.

I will not feign to know when the war in Iraq will end. My guess is that policymakers have learned the lessons from a 21-year war in Vietnam and would far rather lose their Middle East investment in democracy

OP/ED SECTION

The Meaning of Hamas' Victory

By Anthony Bruno, contributor

I remember it quite vividly. In the hours following the September 11th attacks, cable news stations rolled footage of Palestinian demonstrators cheering in response to the destruction of the World Trade Center. Sensing the potential political backlash, and fearing retribution from the West, then Palestinian leader Yasser Arafat ordered an end to the celebrations and quickly distanced the Palestinian Authority from the terror tactics endorsed by al-Qaida.

Of course, Arafat's actions were no surprise to those familiar with his history. He was a man of two faces. His true face was that of a man committed to terrorism and the destruction of Israel. His other face, the face which earned him a Nobel Peace Prize, was of a leader desperately seeking a peaceful solution to the Arab-Israeli conflict.

The summit hosted by President Bill Clinton between Israeli Prime Minister Ehud Barak and Arafat in July of 2000 was a great example of Arafat's duplicity. Although there is no written account of the offer, it has been widely reported that Israel offered to withdraw from 97% of the West Bank, 100% of the Gaza Strip dismantle approximately 63 settlements, and create a Palestinian state with East Jerusalem as its capital. Arafat was to make some small concessions, such as acknowledging Israeli sovereignty over parts of the Western Wall and allowing three Israeli early warning stations in the Jordan valley, from which Israel would withdraw after six years. With the chance to finally attain a true nation-state for his people, Arafat left this deal on the table. He offered no counter-proposal and soon oversaw an "intifada" (uprising) against Israel, resulting in more terrorism and bloodshed.

This experience is illustrative of the difficulties in dealing with political leaders who are sympathetic to terrorism. President Bush was aware that Arafat was not a true partner in peace, and subsequently refused to negotiate with him. Furthermore, as part of the "Roadmap for Peace," the administration demanded that free elections take place within the areas controlled by the Palestinian Authority. Part of the reasoning for endorsing elections was the President's belief that democracies rarely war with one another, and stable democracies in the Middle East will lead to peace.

Unfortunately, the administration's desire for free elections has now resulted in Hamas representing the Palestinian people. This is the same Hamas that is a recognized terrorist organization responsible for the deaths of hundreds of Israeli citizens, as well as over thirty Americans. This is the same Hamas that has refused to renounce its goal of destroying Israel and recently announced its intention to create a standing military comprised of Islamic militants. There is no denying that this is a demonstrable setback for the Middle East peace process.

The larger question that remains, however, is whether the election of Hamas is proof that the President's vision for global democracy is little more than a naiveté. Although this may be one possible conclusion, there is a greater lesson to learn from this election.

First, we must realize that one free election does

not create a stable democracy. Accordingly, it is far too soon to judge the President's vision for global democracy and freedom. The hallmark feature of a democratic state is the peaceful transition of power between factions representing adversarial points of view. Democracies are not forged overnight, and it takes time for democratic institutions to take root as older generations resist change. It remains to be seen if Hamas, an organization committed to violence, will willingly cede power should another party be elected in the future.

Yet, the Palestinian election is instructive because it is an expression of Palestinian self-determination. During the 1990's, when Hamas' suicide bombers attacked Israeli civilians, Yasser Arafat often painted Hamas as an independent group unrepresentative of his government or the Palestinian people. He would continue to negotiate in bad faith, allowing Hamas and other organizations to carry out terrorist attacks, while hiding behind a facade of "plausible deniability." Hamas no longer has this luxury.

It is precisely because of "plausible deniability" that world opinion often splits on how to deal with terrorism. Many members of the United Nations, as well as liberals in America, are willing to accept the words of certain leaders while ignoring their actions. President Bush, on the other hand, understands that terrorist organizations require friendly nation states to provide protection and safe harbor. He has therefore included all state sponsors of terrorism as legitimate targets in the Global War on Terrorism. Unfortunately, it has proven difficult to galvanize public opinion to support military operations against states that have covertly supported terrorist activity while publicly denying such affiliation.

The debate over Iraq was a clear example of this divide. Despite the 9/11 commission's report citing evidence of contact between Iraqi and al-Qaida agents, as well as evidence of stronger relationships between Hussein and other terrorist groups, many refuse to accept Iraq as integral to the larger War on Terror. Naturally,

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-- The Federalist No. 78

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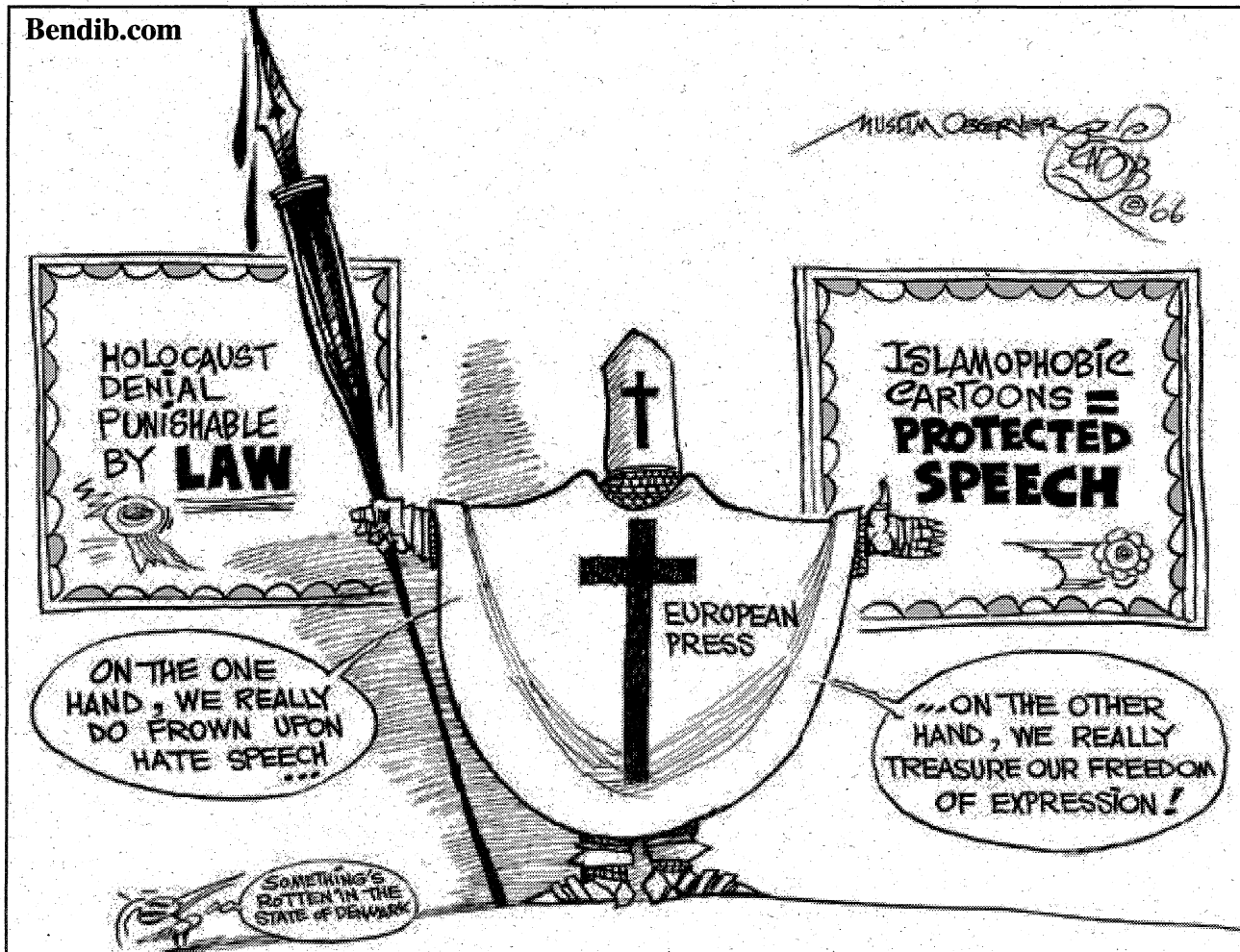
much of the reasoning for this refusal was the failure to find a clear and direct link between al-Qaida and Saddam Hussein.

A similar failure to see a direct link between the Palestinian Authority and many terrorist attacks on Israel often resulted in UN condemnation of Israeli retaliation. Critics and reporters would then focus on the numbers of innocent Palestinian victims, while minimizing the fact that terrorist leaders often surrounded themselves with civilians to purposefully exploit their deaths as a weapon of propaganda.

The equation has now changed, and the recent Mid-East elections will allow the world to see the true nature of Palestinian intentions. From this point forward, any attack by Hamas on Israel also implicates the Palestinian people as a whole. They have knowingly elected an organization committed to terrorist activity and the destruction of Israel. The veil has been removed, and it appears the images of those celebrating in the streets after the 9/11 attacks displayed the true face of the Palestinian electorate.

This election serves as a great clarifying moment in a world often shrouded by secret intentions and political ambiguity. We will now see the real nature of the terrorist enemy that we face. For this glimpse of reality, we must credit the President's support for the spread of democracy. What the world does in response to this glimpse is the question on which history will judge the Western world.

Bendib.com



Interest Rates, continued from page 10.

affected the whole economy. But keep in mind that many of these loans are not yet due. With housing prices slowing, rates increasing, and loans being defaulted on, mortgage companies will be flooded with an influx of property that they cannot sell. The time that houses are on the market has almost doubled in San Diego County. There are no longer bidding wars for real estate. The rush to sell is on, and the market is already showing signs of flooding. Eventually, we will be awash in a sea of defaults on loans, unsold and empty properties, and eventually bankrupt mortgage lenders. As more and more individuals declare bankruptcy, the economy will slump again to epic proportions. We will have done to ourselves what "terrorists" could not do, destroy America. So my advice to you is rent, and don't spend more than you have. Of course, if you followed that rule, you probably wouldn't be going to law school.

Eighth Annual USD School of Law Mock Interview Workshop Saturday, March 25th

Hosted by: Recent Alumni Committee with the
Office of Development and Alumni Relations and the
Career Services Office.

Targeted at 1Ls and 2Ls, this workshop is designed
to help students improve their interviewing skills
before beginning their real job search. Alumni volunteers
come to campus to interview students in 25 minute
segments and provide critiques on their resumes,
interview style and may offer other professional advice.

Keep your eyes out for sign up sheets in Career Services
and the Development and Alumni Relations Office.

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Fill in the grid so that every row, every column, and
every 3x3 box contains the digits 1 through 9.
See page 2 for the solution.

Don't forget to check usdbarreview.blogspot.com for information on upcoming Bar reviews

Grades, continued from page 1.

rationale is that it's like firing someone; you don't want
anyone to make a scene and you want them to have the
weekend to cool off.

It's a nice idea except that I had been counting on
having the weekend to psychologically prepare myself for
getting grades. On that Friday night I was getting ready to
go out with my roommate when I got a text message that
grades were online. Curling iron in one hand, phone in the
other, getting the first law school grades ever! It was like
knowing that you were about to jump out of an airplane.

The worst thing about grades is that the stakes
have never felt higher. Law school is really the top end of
the scale as far as grades go—no matter what schooling
you go on to from here, there will never be as much
pressure to excel and prove yourself as there is now. The
curve doesn't help that any; before you even look at your
grades you know that for everyone who got an A, someone
else got a C, and if you got a B, it's just average. We're a
huge, interconnected web—somebody's got to be on top,
and somebody's got to be on bottom.

The curve part of law school grading irritates me.
Given the pressure of grades, it seems like law schools are
asking for knock down, gloves off competition between us
when they set grades up on a curve.

After a full semester of law school, though, I concede that
I see the purpose of competition. There's something about
a competitive environment that seems to push people to
do more than they would ever do on their own. It's like
athletes—one person runs a 10 second 100 meter, so
someone else has to run it in 9.9, and someone else has to
run it in 9.8. It's like how I volunteer at a legal clinic every
Monday night, and as it got closer and closer to finals, it
became more and more tempting to stay home Monday
nights and study—but I ultimately decided that since I knew
a certain person in my class was going to be there, I was
definitely going to be there. It's what law school already
knows and I'm just finding out: When you're trying to be
better than, or at least as good as, the person next to you, it
has the benefit of the entire group improving.

But competition aside, I think that one of the best parts
about getting grades was that on Monday, everything was
back to normal. No one was gloating about what they
got; there was no new pecking order. It was just business
as usual. So, I've decided that I'm going to start name-
dropping USD like some people mention Harvard or Yale.
And when people ask, I'm going to tell them that I go to
a school where everyone puts a lot of time and effort into
class, but you never feel like you're coming to school to
fight to the death like gladiators to get a passing grade. It's
a ranking you won't find in U.S. News.

Law Student Services Fair & Raffle

The law school administration is proud to sponsor a
Valentine's Day event to show that ...

We



Our Students!

Dean Cole Sings!!!

WHEN: Tuesday, February 14th,
3:00-5:30 p.m.

WHERE: In front of Warren
Hall and in the law school foyer

Come hear about all the law school services available to
you! Enjoy free food, drinks, Valentine treats, raffle prizes
and karaoke.

Valuable prizes will be raffled, including reserved parking
spaces, the opportunity to register for classes from bed, a
private study room during the exam period, gift certificates
from local restaurants and a weekend for two at the Dana
Hotel.

Dean Cole and other surprise faculty members will provide
entertainment by serenading students with Valentine's Day
Karaoke Luv Songs. This is stuff you gotta see!

Hotel package courtesy of Bartell Hotels (www.thedana.net).

